REMARKS

In accordance with the foregoing, the specification and claim 6, 8, 25, 30, 35, 40 have been amended. Claims 6-13, 25, 30, 35, 40 and 44 are pending and under consideration.

In the Office Action mailed March 17, 2005, the Examiner noted that claims 1-43 were pending, that claims 1-5, 14-24, 26-29, 31-34 and 41-43 have been withdrawn from consideration, and rejected claims 6-13, 25, 30, 35, 40 and 44. Claims 6, 8, 25, 30, 35, 40 and 44 have been amended, and, thus, in view of the forgoing claims 6-13, 25, 30, 35, 40 and 44 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. This rejection is traversed and reconsideration is requested.

It is submitted that claim 8, as amended, meets the requirements of 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. §103:

Claims 6-13, 25, 30, 35, 40 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brier et al., U.S. Patent Number 6,065,018, hereafter referred to as "Brier", in view of Kolovson, U.S. Patent Number 5,951,695, hereafter referred to as Kolovson. This rejection is traversed and reconsideration is requested.

Beier discloses that "[e]ach client system 102 creates original user data files, or client files, which are stored within the corresponding client system if the client system is provided with a storage system. Regardless, the client systems 102 transfer client files to the server system 103. Transferring client files to the primary site 103 inherently provides a back-up mechanism within the server **for original client files stored within the client system**" (Beier, column 5, lines 7–12). In other words, Beier discloses that each client creates data specific to the client, which is stored on the client and backed up on a remote server. Beier fails to teach or suggest any means for "backing up a sharing medium". Therefore, Beier fails to teach or suggest "[a] backup system for backing up a sharing medium shared by a plurality of computers" as recited, for example, in claim 6.

Furthermore, the Examiner acknowledged that Beier does not teach or suggest "when one of the plurality of computers accesses the sharing medium to write data, managing original data before a write access occurs as a log including recording a time of the log, and generating an entire log by gathering logs of two or more computers . . . and a formation device forming data at a backup start point using the entire log". The Examiner alleges that Kolovson teaches this feature.

Kolovson discloses that "[a]t failover time, standby node 12 checks the end of log buffer 22 stored in log storage 23 of primary node 11 for (possibly) missing log records, i.e., for log records that were written to log storage 23 but didn't get propagated to standby 12 before the crash. Other than this check, standby node 12 does not read log storage 23 at failover time" (Kolovson, column 7, lines 31-40). In other words, Kolovson discloses a secondary backup system, which adds new log information to the secondary backup system's log that was received by a primary backup system but had not propagated to the secondary backup system prior to the primary backup system's failure. However, Kolovson fails to teach or suggest "generating an entire log by gathering logs of two or more computers, by selecting an oldest log from among logs for the same area in the sharing medium if there are the logs for the same area among the logs of the two or more computers, and by discarding a remaining log among the logs for the same area" as recited, for example, in amended claim 6. The claim amendments are supported by FIG. 5 and page 25, line 9 through page 26, line 3 of the present specification.

Therefore, the applicant respectfully requests reconsideration of the rejection of claims 6-13, 25, 30, 35, 40 and 44 under 35 U.S.C. § 103(a) because Beier, Kolovson and any combination thereof, fails to teach or suggest the above-identified features.

Claims 7-13 depend from claim 6 and include all the features of that claim plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 7-13 patentably distinguish over the prior art.

CONCLUSION:

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103(a). It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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